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ATTORNEY FOR PLAINTIFF
ROBERT SHEREZ,

IN THE UNITED STATES DISTRICT COURT

STATE OF HAWAII

ROBERT SHEREZ,	)	CIVIL NO. 04-00390 JMS-KSC
)	
Plaintiff,)	
vs.	)	MOTION TO WITHDRAW AS
	)	COUNSEL FOR PLAINTIFF
STATE OF HAWAII DEPARTMENT OF	)	ROBERT SHEREZ; DECLARA-
EDUCATION; PATRICIA HAMAMOTO,	)	TION OF ANDRE' WOOTEN;
Superintendent of Hawaii Schools, MEREDITH	)	MEMORANDUM IN SUPPORT
MAEDA, Principal, Castle High School; SARA	)	OF MOTION; CERTIFICATE OF
GRONNER OR GRONNA, Vice Principal of	)	SERVICE
Castle High School,	)	Judge: _____
	)	Date: _____
Defendant.	)	Time: _____
_____	)	Trial Date: March 28, 2007

MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF ROBERT SHEREZ

COMES NOW Andre' S. Wooten, counsel for the Plaintiff, ROBERT SHEREZ who hereby submits Motion To Withdraw as counsel for Mr. Sherez due to obvious conflict in approach to proceeding with the trial of his case in a timely fashion.

This motion is filed pursuant to Rule 1.16 of the Hawaii Rules of Professional Conduct, Rules 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 and 7.9 of the Local Rules and Rules 8, 12, 15, 56, and 59 of the Federal Rules of Civil Procedure and is supported by the attached Declaration of counsel, the records and files of this case and such further evidence as may be presented at a

hearing upon this motion.

DATED: Honolulu, Hawaii, April 7, 2007.

/S/ Andre' S. Wooten

ANDRE' S. WOOTEN

Attorney At Law

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF Hawai'i

ROBERT SHEREZ,	)	CIVIL NO. 04-00390 JMS-KSC
)	
Plaintiff,	)	DECLARATION OF COUNSEL
)	
vs.)	
)	
STATE OF HAWAII DEPARTMENT OF)	
EDUCATION; PATRICIA HAMAMOTO,)	
Superintendent of Hawaii Schools,)	
MEREDETH MAEDA, Principal, Castle)	
High School; SARA GRONNER OR)	
GRONNA, Vice Principal of Castle High)	
School.)	
Defendants.)	
)	
)	
)	
_____)	

STATE OF HAWAII)
	) SS
CITY AND COUNTY OF HONOLULU)

DECLARATION OF COUNSEL

Andre' S. Wooten, being first duly sworn upon oath, and upon penalty of perjury deposes and says that:

1. Declarant is the attorney of record for the Plaintiff, and is familiar with the records and files of this case.
2. That on Friday April 6, 2007, Mr. Sherez engaged in some pre-trial communication with court staff in an attempt to engage in ex parte communication with the trial judge.
3. After his attempt to do so was appropriately rejected as contrary to standard rules

of due process and court room order, he indulged himself in conduct which brought the court room proceedings to a halt. Conduct I do not agree with and was not advised of in advance.

4. Thereafter, I conversed with Mr. Sherez for an hour and while the rules of professional responsibility and attorney-client confidentiality privilege prevent me from going into detail without Mr. Sherez permission, I must say I came to understand we have a fundamental difference of opinion in how to pursue the trial of his case.

5. I could say much much more, but I do not feel it proper to criticize my client on the record, in principal or practice.

6. However, because of these differences, which are unique in my 31 years of trial practice since I was a prosecutor for the City of Seattle Corporation Counsel in 1976, I must reluctantly request to withdraw from any further representation of Mr. Sherez, due to these unique circumstances.

WHEREFORE, Plaintiff respectfully requests that the court grant this Motion to allow Andre' Wooten to withdraw as counsel for Robert Sherez in the above-entitled matter, for good cause stated above in the interest of substantial justice.

This sworn upon oath, and upon penalty of perjury.

FURTHER DECLARANT SAYETH NAUGHT.

DATED: Honolulu, Hawaii, April 7, 2007.

/S/ Andre' S. Wooten
ANDRE' S. WOOTEN
ATTORNEY AT LAW

IN THE UNITED STATES DISTRICT COURT

STATE OF HAWAII

ROBERT SHEREZ,	)	CIVIL NO. 04-00390 JMS-KSC
)	
Plaintiff,)	
vs.)	
)	
STATE OF HAWAII DEPARTMENT OF)	
EDUCATION; PATRICIA HAMAMOTO,	)	MEMORANDUM
Superintendent of Hawaii Schools, MEREDITH)	
MAEDA, Principal, Castle High School; SARA)	
GRONNER OR GRONNA, Vice Principal of)	
Castle High School,)	
)	
Defendant.)	
_____)	

MEMORANDUM

COMES NOW, ANDRE' S. WOOTEN, attorney of record of the Plaintiff, Robert Sherez, who hereby submits the Plaintiff's Memorandum of Law in Support of his Motion to withdraw as counsel for Robert Sherez.

Based upon Plaintiff, Sherez Friday conduct, and also his comment Thursday, an irreconcilably conflict has developed between his theory and efforts in pursuing the trial of this case and mine as his attorney. Indeed I feel his court room conduct is designed to sabotage my legitimate efforts to win this trial, for reasons I cannot understand.

Therefore, I believe further representation of Mr. Sherez in this matter may, if it has not already caused me to violate Rules 1.16 (b) , 3.1 and 3.2 of the Hawaii Rules of Professional Conduct, which are hereto attached and incorporated into this memorandum.

Honolulu, Hawaii, This 7th Day of April, 2007.

/S/ Andre' S. Wooten

ANDRE' S. WOOTEN
ATTORNEY AT LAW